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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/627,351      | 07/26/2003  | Kevin Meret          | TAME-001            | 2322             |

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EXAMINER

RODRIGUEZ, PAMELA

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3683

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                              |  |
|------------------------------|-------------------------------|------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/627,351 | Applicant(s)<br>MERET, KEVIN |  |
|                              | Examiner<br>Pam Rodriguez     | Art Unit<br>3683             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 6,9,10,15 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8,11-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/26/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Species A in the reply filed on October 18, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 6, 9, 10, 15, and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 18, 2004.

### *Drawings*

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "42", "26", and "76" have all been used to designate a pin (on page 9 line 3 of paragraph 29, element numeral 42 is described as a pin, while on page 10 in line 2 of paragraph 33 element numeral 26 has been labeled a pin and on page 10 line 5 of paragraph 33 element numeral 76 has been used to describe a pin). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should

be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: elements 10, 54, 56, 52, and 60. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The informal drawings of Figures 1A and 1B are not of sufficient quality to permit examination. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the

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examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

### ***Specification***

6. The disclosure is objected to because of the following informalities: on page 8 third line of paragraph 25 the word "and" should read –an—and on page 11 line 2 of paragraph 35 the word –to—should be inserted after the word "applied".

Appropriate correction is required.

### ***Claim Objections***

7. Claims 8 and 17 are objected to because of the following informalities: in line 2 of Claim 8, the word "attach" should read –attachment—and in line 3 of Claim 17 the word "is" should read –in--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1, 2, 5, 7, 11-14, and 16-18 are rejected under 35 U.S.C. 102(a) as being anticipated by the "Kickstart – Locked and Loaded" article provided by applicant.

Regarding Claim 1, the Kickstart article discloses a suspension fork temporary restraint system having all the features of the instant invention including: a base (i.e., the base of the fork assembly shown), a pin/hook, a spring, and a fork interface member (see the circled portion of the figure), wherein the base is configured to slidably receive the pin (see the text of the article description), wherein the pin is configured to interlock with the interface member when the base is installed on the suspension fork, upon compression of the suspension fork followed by depression of the pin from an initial state (see the text of the article), and wherein the spring is positioned to bias the depression of the pin and return the pin to its initial state upon additional compression of the suspension fork releasing the interlocking of the pin and the interface member (see the text of the article).

Regarding Claim 2, the Kickstart article further discloses that the pin/hook has a distal recess (i.e., the hook itself) and the interface member has a complimentary ledge (i.e., the hole for the hook to latch onto) to provide lateral engagement between the pin and the interface member (see the figure provided).

Regarding Claim 5, see the figure.

Regarding Claim 7, see the figure.

Regarding Claim 11, see the figure.

Regarding Claim 12, see the figure.

Regarding Claim 13, see the text of the article which discusses the compression amounts.

Regarding Claim 14, see the figure.

Regarding Claim 16, see the figure.

Regarding Claim 17, see Claims 1 and 13 above.

Regarding Claim 18, see the text of the article.

10. Claims 1-5, 7, 8, 11-14, and 16-19 are rejected under 35 U.S.C. 102(a) as being anticipated by the "Pro Circuit Launch Control Holeshoot Device – Gearhead Heaven" article.

Regarding Claim 1, the Gearhead Heaven article discloses a suspension fork temporary restraint system having all the features of the instant invention including: a base (i.e., the base of the fork assembly shown), a pin/hook, a spring, and a fork interface member (see the figures presented), wherein the base is configured to slidably receive the pin (see the text of the article description), wherein the pin is configured to interlock with the interface member when the base is installed on the suspension fork, upon compression of the suspension fork followed by depression of the pin from an initial state (see the text of the article), and wherein the spring is positioned to bias the depression of the pin and return the pin to its initial state upon additional compression of the suspension fork releasing the interlocking of the pin and the interface member (see the text of the article).

Regarding Claim 2, the Gearhead Heaven article further discloses that the pin/hook has a distal recess (i.e., the hook itself) and the interface member has a complimentary ledge (i.e., the hole for the hook to latch onto) to provide lateral engagement between the pin and the interface member (see the figures provided).

Regarding Claim 3, see the lowermost figure of the article where the pin/hook has a rubber covered button to activate it.

Regarding Claim 4, see the lowermost figure of the article wherein a coil spring is used between the base and the button head coaxially with the pin/hook and inherently a distal end of the base has an increased diameter relative to the body of the pin/hook to provide a stop against the base to lock the pin in place.

Regarding Claim 5, see the figures.

Regarding Claim 7, see the figures.

Regarding Claim 8, see the second figure of the article illustrating the hook and how it appears to interface with a ring type member.

Regarding Claims 11 and 12, see the figures.

Regarding Claim 13, see the "What's It Do?" section of the article which discusses the compression amounts.

Regarding Claim 14, see the figures.

Regarding Claim 16, see the figures.

Regarding Claim 17, see Claims 1 and 13 above.

Regarding Claim 18, see the second figure caption entitled "The hook".

Regarding Claim 19, see the "What's It Do?" section of the article which discusses the compression amounts.



***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,735,276 to Burton and U.S. Patent No. 5,509,674 to Browning both disclose temporary restraining systems for motorcycle forks having pin structure similar to applicant's.

U.S. Patent No. 5,022,501 to Hayashi et al also disclose a pin locking device for a fork of a motor vehicle.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 703-308-3657. The examiner can normally be reached on Mondays 5 am -3:30 pm and Tuesdays 5 am -11 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pam Rodriguez  
Primary Examiner  
Art Unit 3683

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